

The preliminary hearing Order should be affirmed.

Claimant was injured in an automobile accident on April 10, 1997. Claimant was employed by respondent as a home health aide who would provide in-home living assistance to respondent's clients. At the time of the accident, claimant was driving to the home of one of those clients to begin her workday.

Respondent and its insurance carrier contend the "going and coming" rule set forth in K.S.A. 1996 Supp. 44-508(f) precludes claimant from receiving benefits for the accident in question. In its brief the respondent acknowledges that the "going and coming" rule would not apply if claimant's accident occurred while traveling between clients' homes. However, respondent contends the rule is now applicable because the accident occurred while claimant was on her way to see her first client and allegedly had not assumed her duties.

For preliminary hearing purposes the Administrative Law Judge found claimant's travel was an integral part of her employment and, therefore, awarded claimant benefits. The Appeals Board agrees with that analysis and conclusion.

When traveling is an integral part, inherent in the nature, or necessary to the employment, the "going and coming" rule does not apply. See Messenger v. Sage Drilling Co., 9 Kan. App. 2d 435, 680 P.2d 556, *rev. denied* 235 Kan. 1042 (1984).

Claimant's job required her to travel. Therefore, the Appeals Board finds the April 10, 1997, automobile accident arose out of and in the course of claimant's employment despite the fact claimant was on her way to her first client for the day.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated June 10, 1997, entered by Administrative Law Judge Nelsonna Potts Barnes should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of July 1997.

BOARD MEMBER

c: Joseph Seiwert, Wichita, KS
P. Kelly Donley, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director